

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

Enid Valentín, Stephanie Gómez, Ángel Otero, |  
Roberto Dieppa, Alberto Rodríguez, Fernando |  
Nieto, Randy Otero, Ana L. Adorno, Alondra |  
Hidalgo, Diane O’Neal, Lissette Reyes, Ronal |  
Salas, Carmen D. Torres, Wilmaliz Torres, |  
Erika Rivera, Claudia Batista, Vivian J. |  
Santiago, Shaylene M. Jerez Pérez, José Llanos |  
Encarnación, Héctor Ocasio, Edwin G. |  
Rodríguez Buzzo, Judith Rodriguez, Rafael |  
Cepero, Manuel Nazario, Roberto Silvestre, |  
Gabriel Cordero, Buenaventura Arce, Carlos |  
Figueroa, Daniel Paz y Héctor E. Villanueva |

**Plaintiffs**

vs.

BCPeabody Construction Services LLC, John |  
Doe and unknown defendants |

**Defendants**

**Civil No.:**

**About: FEMA Monies Owned  
To Independent Contractors  
For Work Done and Unpaid**

**COMPLAINT**

**TO THE HONORABLE COURT:**

**APPEARS NOW** Plaintiffs, through the undersigned legal representation and before this Honorable Court respectfully states, alleges and request as follows:

**I. JURISDICTIONAL BASIS AND VENUE**

1. The Honorable Court has jurisdiction over present matter under 28 USC 8 1332(a)1, because Plaintiffs and Defendant BCPeabody are citizens of different states, and the amount of controversy exceeds \$75,000.00 excluding interest and cost.
2. Plaintiffs also invoke against Defendant the articles of Contract and Obligations of the Puerto Rico Civil Code and the labor laws and statues of the Commonwealth of Puerto Rico, under the supplemental jurisdiction principles in the interest of judicial efficiency and economy.

3. Venue is proper in the U. S. District Court for the District of Puerto Rico, pursuant to 28 USC sec. 1391(b)(2), since the events or omissions giving rise to this claim occurred in this District.

## **II. THE PARTIES**

4. Plaintiffs Enid Valentín, is a natural person of legal age, resident of Ponce, P. R., Stephanie Gómez, is a natural person of legal age, resident of San Juan, P. R., Ángel Otero, is a natural person of legal age, resident of Carolina, P. R., Roberto Dieppa, is a natural person of legal age, resident of San Juan, P. R., Alberto Rodríguez, is a natural person of legal age, resident of San Juan, P. R., Fernando Nieto, is a natural person of legal age, resident of Guaynabo, P. R., Randy Otero, is a natural person of legal age, resident of San Juan, P. R., Ana L. Adorno, is a natural person of legal age, resident of, Carolina, P. R., Alondra Hidalgo, is a natural person of legal age, resident of Rio Grande, P. R., Diane O’Neal, is a natural person of legal age, resident of Fajardo, P. R., Lissette Reyes, is a natural person of legal age, resident of Arecibo, P. R., Ronal Salas, is a natural person of legal age, resident of San Juan, P. R., Carmen D. Torres, is a natural person of legal age, resident of San Juan, P. R., Wilmaliz Torres, is a natural person of legal age, resident of Carolina, P. R., Erika Rivera, is a natural person of legal age, resident of Toa Baja, P. R., Claudia Batista, is a natural person of legal age, resident of Guaynabo, P. R., Vivian J. Santiago, is a natural person of legal age, resident of Bayamón, P. R., Shaylene M. Jerez Pérez, is a natural person of legal age, resident of San Juan, P. R., José Llanos Encarnación, is a natural person of legal age, resident of Trujillo Alto, P. R., Héctor Ocasio, is a natural person of legal age, resident of Guayama, P. R., Edwin G.

Rodríguez Buzzo, is a natural person of legal age, resident of Carolina, P. R., Judith Rodriguez, is a natural person of legal age, resident of Cayey, P. R., Rafael Cepero, is a natural person of legal age, resident of Arecibo, P. R., Manuel Nazario, is a natural person of legal age, resident of Ponce, P. R., Roberto Silvestre, is a natural person of legal age, resident of San Juan, P. R., Gabriel Cordero, is a natural person of legal age, resident of San Juan, P. R., Buenaventura Arce, is a natural person of legal age, resident of San Sebastian, P. R., Carlos Figueroa, is a natural person of legal age, resident of Trujillo Alto, P. R., Daniel Paz, is a natural person of legal age, resident of Caguas, P. R. y Héctor E. Villanueva, is a natural person of legal age, resident of San Juan, P. R.

5. Defendant, BCPeabody Construction Services LLC (“BCPeabody”) is a construction services company with offices located at 15445 N. Nebraska Ave., Suite 100 Lutz, Florida 33549.
6. Defendants John Doe as well as any other tortfeasors and their respective Insurance Companies are the fictitious names hereby given to the additional parties whose identities or names are not known to this moment and whose negligent actions or omissions are proximately and direct causes for plaintiffs’ damages. Once their real identities are discovered that fictitious names will be substituted for real ones.

### **III. BACKGROUND**

7. On January 6, 2018, Defendant BCPeabody Construction Services LLC and Sunergy Inc. LLC executed an agreement to provide services from funds obtained by Defendant BCPeabody from Federal agency FEMA of its Public Assistant Program for the island of Puerto Rico.

8. The funds of the multi-year contracts obtained by BCPeabody from FEMA were going to be used to provide services to the municipalities and private non-profits entities such as churches within the island of Puerto Rico to repair the damages suffered to their properties after the passing of Hurricane Maria in September 2017.
9. Sub-contractor Sunergy Inc. was going to establish a network of local labor qualified to do the required tasks, paid with the FEMA funds obtained by Defendant, BCPeabody.

#### **IV. FACTS**

10. After the beginning of the agreement between BCPeabody and sub-contractor Sunergy, in January 2018, Sunergy began employing Plaintiffs.
11. Plaintiffs as independent contractors of Sunergy, performed their duties and obligations as required by Sunergy and submitted time records of the job performed.
12. Subcontractor Sunergy complying with Defendant's BCPeabody agreement, revised and approved the job performed by Plaintiffs and submitted their billable hours reports to Defendant BCPeabody for payment.
13. During 2018, Plaintiffs kept doing the jobs assigned by their employer Sunergy and currently Sunergy submitted to Defendant BCPeabody their billable hours reports with a claim for payment of the hours worked by Plaintiffs.
14. After year 2018 ended, Plaintiffs had submitted to Sunergy the reports of their hours worked and their claim of payment for their job completed, but as of the day of this Complaint Defendant's BCPeabody had not paid Sunergy the monies claimed in order to Sunergy pay to Plaintiffs for their jobs done.

**V. MONETARY DAMAGES**

**WHEREFORE**, Plaintiffs claim of labor compensation owned to them by BCPeabody are as follows:

	<b>Name</b>	<b>Position</b>	<b>Amount Claimed</b>
<b>1</b>	<b>Enid Valentín</b>	Document Recovery Agent	\$ 5,490.00
<b>2</b>	<b>Stephanie Gomez</b>	Client Liaison	\$ 26,925.00
<b>3</b>	<b>Angel Otero</b>	Executive Administrative Liaison to BCPeabody	\$ 178,687.50
<b>4</b>	<b>Roberto Dieppa</b>	Client Liaison	\$ 30,757.50
<b>5</b>	<b>Alberto Rodriguez</b>	Client Liaison	\$ 21,200.00
<b>6</b>	<b>Fernando Nieto</b>	D.A.S. / Project Manager / Client Liaison	\$ 56,150.00
<b>7</b>	<b>Randy Otero</b>	D.A.S. / Construction Expert	\$ 86,270.00
<b>8</b>	<b>Ana L Adorno</b>	Operation Manager	\$ 8,110.00
<b>9</b>	<b>Alondra Hidalgo</b>	Operation Manager	\$ 9,810.00
<b>10</b>	<b>Diane Oneal</b>	Assistant Manager	\$ 3,690.00
<b>11</b>	<b>Lisette Reyes</b>	Client Liaison	\$ 18,137.50
<b>12</b>	<b>Ronal Salas</b>	Operation Manager	\$ 35,012.50
<b>13</b>	<b>Carmen D Torres</b>	Assistant Manager	\$ 3,360.00
<b>14</b>	<b>Wilmaliz Torres</b>	Assistant Manager	\$ 4,995.00
<b>15</b>	<b>Erika Rivera</b>	Client Liaison	\$ 17,075.00
<b>16</b>	<b>Claudia Batista</b>	Client Liaison	\$ 5,387.50
<b>17</b>	<b>Vivian J Santiago</b>	Assistant Manager	\$ 10,775.00
<b>18</b>	<b>Shaylene M. Jerez Perez</b>	Operation Manager	\$ 2,505.00
<b>19</b>	<b>Jose Llanos Encarnación</b>	Client Liaison	\$ 975.00
<b>20</b>	<b>Hector Ocasio</b>	Engineer	\$ 11,227.50
<b>21</b>	<b>Edwin G. Rodriguez Buzzo</b>	Client Liaison	\$ 22,525.00
<b>22</b>	<b>Judith "Rodriguez" Coca</b>	Assistant Manager	\$ 9,570.00
<b>23</b>	<b>Rafael Cepero</b>	Damage Assessments Specialist	\$ 21,600.00
<b>24</b>	<b>Manuel Nazario</b>	Damage Assessments Specialist	\$ 26,825.00
<b>25</b>	<b>Roberto Silvestre</b>	Damage Assessments Specialist	\$ 24,300.00
<b>26</b>	<b>Gabriel Cordero</b>	Damage Assessments Specialist	\$ 22,525.00
<b>27</b>	<b>Buenaventura Arce</b>	Damage Assessments Specialist	\$ 3,800.00
<b>28</b>	<b>Carlos Figueroa</b>	Damage Assessments Specialist	\$ 18,300.00
<b>29</b>	<b>Daniel Paz</b>	Damage Assessments Specialist	\$ 19,025.00
<b>30</b>	<b>Hector E. Villanueva</b>	Damage Assessments Specialist	\$ 16,250.00
	<b>TOTAL</b>		<b>\$ 721,260.00</b>

Plaintiffs loss of compensation for their job completed is calculated in the total amount of **SEVEN HUNDRED TWENTY ONE THOUSAND TWO HUNDRED AND SIXTY DOLLARS (\$721,260.00)**, amount hereby requested to be paid by Defendants.

## **VI. PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs, respectfully pray from this Honorable Court to render Judgment in favor of Plaintiffs and to award them a sum of **SEVEN HUNDRED TWENTY ONE THOUSAND TWO HUNDRED AND SIXTY DOLLARS (\$721,260.00)**, of loss of compensation for a job completed, plus and award for punitive damages allowed by law in an amount deemed necessary and just by this Honorable Court, as well as costs incurred, a **TWENTY FIVE (25%)** of attorney's fees as declared by the statutes and labor law under the Commonwealth of Puerto Rico, and any other relief considered proper and just by this Honorable Court.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, 15<sup>th</sup> day of June 2021.

**CERTIFICATE OF SERVICE:** On this date, this document has been filed electronically with the Court's CM/ECF system.

*s / Jose Durand Carrasquillo*  
**JOSÉ DURAND CARRASQUILLO**  
**USDC 207010**  
**P.O. BOX 363904**  
**SAN JUAN, P.R. 00936-3904**  
**TEL.:(787)783-9386 / (787)783-3329**  
**Email: durandj@microjuris.com**